

## **CHAPTER 24. SUBSTANTIVE RULES APPLICABLE TO WATER AND SEWER SERVICE PROVIDERS.**

### **Subchapter J. ENFORCEMENT, SUPERVISION, AND RECEIVERSHIP.**

#### **§24.142. Operation of Utility that Discontinues Operation or is Referred for Appointment of a Receiver.**

- (a) The commission, after providing to the utility notice and an opportunity for a hearing, may authorize a willing person to temporarily manage and operate a utility that:
  - (1) has discontinued or abandoned operations or the provision of services; or
  - (2) is being referred to the attorney general for the appointment of a receiver under TWC, §13.412 for:
    - (A) having expressed an intent to abandon or abandoned operation of its facilities; or
    - (B) having violated a final order of the commission; or
    - (C) having allowed any property owned or controlled by it to be used in violation of a final order of the commission.
- (b) The commission may appoint a person under this section by emergency order under Chapter 22, Subchapter P of this title (relating to Emergency Orders for Water Utilities). A corporation may be appointed a temporary manager.
- (c) Abandonment includes, but is not limited to:
  - (1) failure to pay a bill or obligation owed to a retail public utility or to an electric or gas utility with the result that the utility service provider has issued a notice of discontinuance of necessary services;
  - (2) failure to provide appropriate water or wastewater treatment so that a potential health hazard results;
  - (3) failure to adequately maintain facilities or to provide sufficient facilities resulting in potential health hazards, extended outages, or repeated service interruptions;
  - (4) failure to provide customers adequate notice of a health hazard or potential health hazard;
  - (5) failure to secure an alternative available water supply during an outage;
  - (6) displaying a pattern of hostility toward or repeatedly failing to respond to the commission or the utility's customers; and
  - (7) failure to provide the commission or its customers with adequate information on how to contact the utility for normal business and emergency purposes.
- (d) This section does not affect the authority of the commission to pursue an enforcement claim against a utility or an affiliated interest.